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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,164	01/16/2001	Carl Wong	024938-123	7612

7590 01/29/2004

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EXAMINER

ELAMIN, ABDELMONIEM I

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 01/29/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/764,164

Applicant(s)

WONG, CARL

Examiner

Abdelmoniem I Elamin

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feagans, US.

Pat. No. 6,360,281.

3. Claims 1, 7-11, 19, 23, 26, 28, 31 and 34, Feagans teaches a multi-function interface for interfacing a modem with a host [*abstract*], the multi-function interface including a plurality of logical devices [*communications port 20 and status port 22 of Fig. 2*] associated with the modem such that the plurality of logical devices provide connectivity between the modem and the host, wherein the plurality of logical devices includes a first logical device to provide communication between the modem and the host [*communications port 20 of Fig. 2*] and the plurality of logical devices includes a second logical device [*status port 22 of Fig. 2*] to provide real time status information of the modem to the host during operations [*abstract*].

Feagans fails to teach a wireless modem.

However, examiner asserts that these wireless modems are well known in the art. These types of limitations are considered field of use, and are not patentably distinct.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the system of Feagans in a wireless modem, because it allows retrieving status information or issuing modem commands without having to cause the modem to go into a command mode that interrupts data communication [*see Feagans, col. 1, lines 64-67*].

4. Claims 2-3 and 14-17, 22, Feagans teaches the first logical device is a communication port [*communications port 20 of Fig. 2*] and the second logical device is a status port [*status port 22 of Fig. 2*].

5. Claim 4, Feagans teaches the status port provides the real-time status information as the communication device is on-line [*abstract*].

6. Claims 5 and 27, Feagans teaches wireless modem is a PCMCIA card [*col. 6, lines 26-27*].

7. Claims 6, 20-21, 32 and 33, Feagans fails to teach using FPGA. However, FPGA are well known in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Feagans to include FPGA, because FPGAs having advantages including quick design and modification turn-around and reconfigurability.

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8. Claims 12-13, 24-25, 29-30, 38-42, Feagans fails to teach the status information includes signal strength, the temperature, connection status, operational condition of the communication device.

However, these features are well known in the art as admitted by Applicant [*see the specification of the instant application, pages 2-3*].

9. Claim 18, Feagans teaches the second logical device transmits IP based and non-IP based applications [*see Figs. 1-4*].

10. Claims 35-37, Feagans teaches the status information is provided to the host while communicating with the NIC, while the NIC receiving data from a remote device or while there is no network connection between the NIC and the remote device [*abstract, col. 2, lines 6-48*].

Response to Arguments

Applicant's arguments with respect to claims 1-42 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdelmoniem I. Elamin whose telephone number is (703) 305-3804. The examiner can normally be reached Monday through Friday from 9:30 AM to 6:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin, can be reached at (703)308-3301.

Any inquiry of a general nature relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and trademarks

Washington, D.C. 20231

Or faxed to:

(703) 746-7239 (Official)

(703) 746-7240 (Non-Official/Draft)

(703) 746-7238 (After-final)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA, Forth Floor (receptionist).



Respectively submitted

Abdelmoniem Elamin

Jan. 24, 2004